

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

Noel Hernandez,

Defendant.

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Criminal No.: 04 CR 10319 WGY

**DEFENDANT NOEL HERNANDEZ'S EMERGENCY MOTION FOR
MODIFICATION OF CONDITIONS OF RELEASE**

NOW COMES the defendant, Noel Hernandez, through counsel, and respectfully moves this Honorable Court to modify the conditions of his release. In support thereof Counsel states the following:

1. Since the date of his release, Mr. Hernandez has gained full time employment with Target in Lynn, within the time period that he is permitted to be outside of his home confinement restrictions.
2. However, his current schedule does not permit him to work for Eduardo Avila, whom the Court instructed Mr. Hernandez to work for during his release.
3. Therefore, the Court is respectfully requested to modify its Order and permit Mr. Hernandez to remain outside his home confinement until 8:00 pm, which will allow him an opportunity to work both for Target and Eduardo Avila, and meet his child support obligations.
4. Further, this Honorable Court is respectfully urged to modify the conditions of Mr. Hernandez's release to permit him to stay overnight at his fiancée's apartment with his children on Christmas Eve and Christmas Day.

WHEREFORE based on the foregoing arguments and authorities this Honorable Court is respectfully urged to amend the Conditions of Mr. Hernandez's Release.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. C. Horstmann", with a stylized flourish at the end.

Peter Charles Horstmann, Esquire
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Attorney for Defendant
Noel Hernandez

CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 2nd day of December, 2004, a copy of the foregoing DEFENDANT'S MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE was served, electronically upon Christopher Wylie, United States Pretrial Services Officer, United States Pretrial Services, One Courthouse Way, Boston, MA 02210, and William Bloomer, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210.

A handwritten signature in blue ink, appearing to read "P. C. Horstmann", with a stylized flourish at the end.

Peter Charles Horstmann, Esquire